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JOHN C. SMITH, ESQ. 4800 NORTH FEDERAL HIGHWAY SUITE A-207 BOCA RATON, FL 33431			PITARO, RYAN F	
			ART UNIT	PAPER NUMBER
			2174	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/604,387	CARR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ryan F Pitaro	2174	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07232003</u> . | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. Claims 1-51 have been examined.

#### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

#### ***Claim Objections***

3. Claim 27 is objected to because of the following informalities: in line 3 of claim 27, "a variety or sources" should be "a variety of sources". Appropriate correction is required.
4. Claim 40 is objected to because of the following informalities: in line 1 of claim 40, " the additional step of" should be "the additional steps of". Appropriate correction is required.

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5. Claim 47 is objected to because of the following informalities: in line 5 of claim 47, " devices represents a remote" should be "devices represent a remote computer". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 29 recites the limitation "the multimedia I/O device" in line 2 of claim 29.

There is insufficient antecedent basis for this limitation in the claim.

8. Regarding claims 36, 37 the phrase "such as" renders the claims indefinite because it is unclear whether the limitations following the phrases are part of the claimed invention. See MPEP § 2173.05(d).

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-4,8,11,21-23,25,30,49 are rejected under 35 U.S.C. 102(e) as being unpatentable by Maa ("Maa, US# 6,572,431).

As per independent claim 1, Maa discloses a multimedia I/O system for communicating information between a computer and a user (Column 3 lines 47-52), further comprising: a movable figure having means to move in response to instructions from a computer (Column 4 lines 36-38); a speaker, electrically attached to the movable figure, for outputting audio data from the computer (Figure 2 item 44;*speaker*); and a microphone electrically attached to the movable figure, for inputting voice data to the computer (Figure 2 item 46;*microphone*) whereby the multimedia I/O system acts as an intermediary communications device between a computer and an individual that communicates via audio output, voice input, and visual motion output (Column 9 lines 24-29).

As per claim 2, which is dependent on claim 1, Maa discloses a system wherein the movable figure communication with the computer via a wireless link (Column 3 lines 56-61).

As per claim 3, which is dependent on claim 2, Maa discloses a system wherein the movable figure further comprises a base unit and a movable figure (Figure 4 lines 22-23).

As per claim 4, which is dependent on claim 1, Maa discloses a system wherein the movable figure is remotely located from the computer (Column 3 lines 56-63).

As per claim 8, which is dependent on claim 1, Maa discloses a system comprising means to select a voice from a voice data set and substitute the selected voice for the input voice data (Column 14 lines 62-67).

As per claim 11, which is dependent on claim 1, Maa discloses a system wherein the movable figure communicates directly with the computer (Column 9 lines 12-15).

As per independent claim 21, Maa discloses a multimedia I/O system for communicating information between a computer and a user (Column 8 lines 43-45), further comprising: a computer having a programmable processor and storage means for storing at least one computer program, the computer program further having means to execute programming instructions for controlling a movable figure (Column 9 lines 11-23); a movable figure having means to move under control of the computer program; and a speaker means for outputting audio data under control of the computer program (Column 9 lines 40-43); whereby the multimedia I/O system acts as an intermediary communications device between a computer program and an individual that communicates via audio output and motion output (Column 9 lines 24-26).

As per claim 22, which is dependent on claim 21, Maa discloses a system comprising: an interface for communicating between computer programs and the movable figure, for receiving output audio data for output by the speaker, and for receiving instructions from the computer programs for controlling movement of the movable figure (Column 9 lines 24-28).

As per claim 23, which is dependent on claim 22, Maa discloses a system comprising: a microphone for inputting audio data (Column 12 lines 20-23); means to transfer the input audio data to a computer program via the interface (Column 12 lines 20-23 and Column 12 lines 33-37); and the computer program having means to respond to the input audio data by outputting audio data and instructions for controlling movement of the movable figure (Column 12 lines 20-23 and Column 12 lines 33-37); whereby the user can interact with a computer program by inputting audio data to the computer program, and receiving audio and motion output from the computer program (Column 12 lines 20-23 and Column 12 lines 33-37).

As per claim 25, which is dependent on claim 23, the modified Maa discloses a system comprising means to automatically output audio data and /or movable figure when a pre-selected event detected (Maa, Column 13 lines 4- 11;*predetermined*).

As per claim 30, which is dependent on claim 21, Maa discloses a system further comprising: a manual input device, mainly a game controller, a joystick, a mouse, or a keyboard for inputting data to the computer for controlling the multimedia I/O device (Column 15 lines 30-33).

As per claim independent claim 49, Maa discloses a method of communicating with between computers and individuals, including the steps of: using a portable I/O device as an interface between a computer and an individual such that the computer can output information to the individual, and the individual can input data to the computer (Column 3 lines 47-53); and providing a wireless link between the computer and the portable I/O device such that the portable I/O device can be remotely located



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from the computer (Column 3 lines 57-61); whereby an individual can control and interact with the computer using a portable I/O device, and can move the portable I/O device from one location to another while controlling and interacting with the remotely located computer (Column 3 lines 57-61).

11. Claims 13,14,16 are rejected under 35 U.S.C. 102(b) as being unpatentable by Tong ("Tong", US# 5,636,994).

As per independent claim 13, Tong discloses a multimedia I/O system for communicating with a computer, further comprising: a plurality of multimedia I/O devices (Column 3 lines 35-42), each multimedia device further comprising: a motion output means, having means to communicate via motion (Column 3 lines 41-42); a speaker, electrically attached to the movable object, for outputting audio data (Column 3 lines 41-42); and a microphone, electrically attached to the movable object, for inputting voice data to a computer (Figure 6 item 63;*microphone*), whereby the multimedia I/O devices act as intermediary communications devices that communicates via audio output, voice input, and motion (Column 4 lines 58-67).

As per claim 14, which is dependent on claim 13, Tong discloses a system wherein, each of the multimedia I/O devices communicates directly with the computer (Figure 3; *communication lines running to the computer*).

As per claim 16, which is dependent on claim 14, Tong discloses a system wherein at least one of the plurality of multimedia I/O devices is located at a remote location from computer (Column 3 lines 27-31).



12. Claims 34-36 are rejected under 35 U.S.C. 102(b) as being unpatentable by Liu ("Liu", US# US 6,800,013 B2).

As per independent claim 34, Liu discloses a method of using motion to communicate information between computers and individuals, including the steps of: using a computer to control an I/O device, which has movable components, for the purpose of conveying information via specific controlled movements of the I/O device, the movable I/O device is positioned in view of an individual such that the movements are visible to the individual (Column 3 lines 38-41); and associating specific events with specific movements such that when the individual observes a particular movement, information regarding a specific event is provided by the computer to the individual (Column 3 lines 38-41); whereby an individual can be notified of specific events by the computer based on particular movements of the I/O device which are controlled by the computer (Column 3 lines 38-41).

As per claim 35, which is dependent on claim 34, Liu discloses a method including the steps of: using an I/O device which is structured to resemble a known character (Column 4 lines 1-2) and moving portions of the I/O device in a manner similar to the normal movement of the known character (Column 4 lines 14-15); whereby the behavior of the known character can be mimicked by the I/O device (Column 4 lines 14-15).

As per claim 36, which is dependent on claim 35, Liu discloses a method including the steps of: structuring the I/O device to resemble known characters (Column

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4 lines 14-15); and moving the I/O device such that the movements of the I/O device resemble movements related to specific behavioral states (Column 4 lines 14-15).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 10 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maa ("Maa", US# 6,572,431).

As per claim 10, which is dependent on claim 3, Maa fails to distinctly point out a removable base unit; however, official notice is taken that removable base units are well known in the art examples of which are remote controlled cars wherein the base units are attached to the car. When the car is to be used it is removed from the base and then controlled with the wireless base unit. Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Maa with the current teaching. Motivation to do so would have been to allow for more extensible control of the figure.

As per claim 28, which is dependent on claim 10, Maa fails to distinctly point out a speaker and a microphone integrated into the base unit. Official Notice is taken that this is just a design choice and is well known in the art. The speaker and microphone

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can easily be moved into the base unit of Maa. Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Maa with the current teaching. Motivation to do so would have been to allow for different designs of the figure.

15. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tong ("Tong", US# 5,636,994).

As per claim 15, which is dependent on claim 13, Tong fails to distinctly point out a removable base unit; however, official notice is taken that removable base units are well known in the art examples of which are remote controlled cars wherein the base units are attached to the car. When the car is to be used it is removed from the base and then controlled with the wireless base unit. Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Tong with the current teaching. Motivation to do so would have been to allow for more extensible control of the figure.

16. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maa ("Maa", US# 6,572,431) in view of Lee et al ("Lee", US# 6,460,851).

As per claim 29, which is dependent on claim 10, Maa fails to distinctly point out a universal base unit. However, Lee teaches a system wherein the multimedia I/O device includes a universal adapter for attachment to the base unit (Column 2 lines 45-48); the base unit includes a universal adapter, which corresponds to the universal adapter on the multimedia I/O device, for attachment to a multimedia I/O device Column 2 lines 43-48); the universal adapter on the multimedia I/O device is removably attached to the

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universal adapter on the base unit such that the base unit can be attached to different multimedia I/O devices (Column 3 lines 33-37) whereby the base unit and the multimedia I/O device have mutually corresponding and detachable universal adapters which allow different multimedia I/O devices to be used in conjunction with a single base unit (Column 3 lines 33-37). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Maa with the teaching of Lee. Motivation to do so would have been to allow for the device to be flexible not limiting the user to just one device or game.

17. Claims 5,6,7,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maa ("Maa", US# 6,572,431) in view of Liu ("Liu", US# US 6,800,013 B2).

As per claim 5, which is dependent on claim 4, Maa fails to distinctly point out using a network. However, Liu teaches a system wherein a movable figure communicates with the computer over a network (Column 2 lines 56-63). Therefore it would have been obvious to an artisan at the time of the invention to combine Maa's system with the teaching of Liu. Motivation to do so would have been to allow for easy data transfer between network components.

As per claim 6, which is dependent on claim 5, the modified Maa discloses a system wherein the movable figure transmits voice data to a computer over a network (Liu, Column 3 lines 7-13).

As per claim 7, which is dependent on claim 6, the modified Maa discloses a system comprising means to select a voice from a voice data set and substitute the selected voice for the input voice data (Maa, Column 14 lines 62-67)

As per claim 24, which is dependent on claim 23, the modified Maa discloses a system comprising communication means in the computer to communicate with a network of computers (Liu, Column 2 lines 56-63), the communication means further having means to receive software instructions from remote computers for controlling the movable figure and for inputting and outputting data to the movable figure (Liu, Column 3 lines 38-41).

18. Claims 12 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maa ("Maa", US# 6,572,431) in view of Yeon ("Yeon", US2001/0027397 A1).

As per claim 12, which is dependent on claim 25, Maa fails to distinctly point out the predetermined event being an alarm. However, Yeon teaches a system wherein the multimedia I/O device can be automatically activated by the computer to provide programmed alarms and/or timed messages ([0022] lines 1-9). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Maa with the teaching of Yeon. Motivation to do so would have been to allow for the flexible communications of the figure to include events.

As per claim 26, which is dependent on claim 25, Maa fails to distinctly point out the predetermined event being an alarm. However, Yeon teaches a system wherein the pre-selected event is an alarm ([0022] lines 1-9). Therefore it would have been obvious

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to an artisan at the time of the invention to combine the system of Maa with the teaching of Yeon. Motivation to do so would have been to allow for the flexible communications of the figure to include events.

19. Claims 9,51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maa ("Maa", US# 6,572,431) in view of Kikinis ("Kikinis", 5,746,602).

As per claim 9, which is dependent on claim 8, Maa fails to distinctly point out storing user voice data. However, Kikinis teaches a system comprising: means to store user voice data into the voice data set (Column 11 lines 39-43); and means to output the user's voice data from the voice data set to the speaker (Column 11 lines 39-43). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Maa with the teaching of Kikinis. Motivation to do so would have been to make the figure more customizable.

As per claim 51, which is dependent on claim 49, Maa discloses using an I/O device which has a figure shaped to represent a character or object (Column 3 lines 62-67); a base unit (Figure 2 item 54), a microphone to input voice data to the integrated computer processor, the microphone electrically attached to either the figure or the base unit (Figure 2 item 46); a speaker to output audio data, the speaker electrically attached to either the figure or the base unit (Figure 2 item 44); Maa fails to disclose a removably attached base unit, having an integrated computer processor, the processor having software, and communication using motion output. However, Kikinis teaches having an integrated computer processor, the integrated computer processor in the base unit further having software to control the movable components in the portable I/O device

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Column 6 lines 24-33); the integrated computer processor further having software for synthesizing output audio data from digital data received from the computer or for outputting audio data received from the computer (Column 8 lines 52-59 and Figure 2 item 71); the integrated computer processor further having voice recognition software for converting input voice data to digital data for transmission via the wireless link to the computer (Column 8 lines 52-59 and Figure 2 item 71). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Maa with the teaching of Kikinis. Motivation would have been to give the figure more processing power making the figure more independent and flexible, and giving the computer more time to perform other tasks. Kikinis also teaches. Maa also fails to distinctly point out communication through motion output, output audio data, and input voice data.

However, Kikinis teaches a system whereby an individual can communicate with a computer using motion output data, output audio data and input voice data, and the processing overhead related to the conversion of input voice data to digital data and synthesis of output audio data is absorbed by the integrated computer processor and not by the computer (Column 8 lines 45-51). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Maa with the teaching of Kikinis. Motivation would have been to give the figure more processing power making the figure more independent and flexible, and giving the computer more time to perform other tasks. The modified Maa fails to distinctly point out a removable base unit; however, official notice is taken that removable base units are well known in the art examples of which are remote controlled cars wherein the base units are attached to



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the car. When the car is to be used it is removed from the base and then controlled with the base unit. Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Maa with the current teaching. Motivation to do so would have been to allow for more extensible control of the figure.

20. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maa ("Maa", US# 6,572,431) in view of Tong ("Tong", US 5,636,994).

As per claim 32, which is dependent on claim 23, Maa fails to distinctly point out multiple devices. However, Tong teaches a system comprising means to input voice data to the microphone associated with the multimedia I/O device (Figure 6 item 63); and means to output the voice data to a speaker associated with a second multimedia I/O device (Figure 3 item 31, Column 5 lines 1-4). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Maa with the teaching of Tong. Motivation to do so would have been to allow for the flexibility of more than one figure.

21. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tong ("Tong", US 5,636,994) in view of McPhail ("McPhail", "Buddy Bugs").

As per claim 19, which is dependent on claim 13, Tong fails to distinctly point out representing individuals in a chat room. However, McPhail teaches a multimedia device used to represent individuals in a chat room (Page 1 Abstract). Therefore it would have been obvious to combine the system of Tong with the teaching of McPhail. Motivation to

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do so would have been to make the device more flexible by including it to represent individuals in a chat room.

22. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maa ("Maa", US# 6,572,431) in view of Sega ("Sega", Time Traveler).

As per claim 33, which is dependent on claim 1, Maa fails to disclose the use of a holographic image. However, Sega teaches a base unit having holographic projection means for projecting a holographic image; and the movable figure is the holographic image (Page 2 Description). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Maa with the teaching of Sega. Motivation to do so would have been to create a more appealing character for interaction.

23. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tong ("Tong", US 5,636,994) in view of Galyean III et al ("Galyean", US 6,290,565,B1).

As per claim 18, which is dependent on claim 13, Tong fails to distinctly point out the multimedia device interacting with software games. However, Galyean teaches a system wherein the multimedia I/O device is used as a movable game figure in conjunction with software games. (Column 3 lines 10-15). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Tong with the teaching of Galyean. Motivation to do so would have been to allow the user to appreciate the game more by allowing game interaction.

24. Claims 20 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tong ("Tong", US 5,636,994) in view of Galyean III et al ("Galyean", US 6,290,565,B1) in further view of Behrens ("Behrens", "We'll look back on this old Barney...").

As per claim 20, which is dependent on claim 18, the modified Tong fails to disclose a device, which takes the place of a player in a game. However, Behrens teaches the movable multimedia I/O devices are used to represent individual players in multiplayer games (Page 2 Paragraph 6). Therefore it would have been obvious to combine the modified system of Tong with the teaching of Behrens. Motivation to do so would have been so that the user could play a multiplayer game if another party was not present.

As per claim 31, which is dependent on claim 18, the modified Tong fails to distinctly point out a device, which determines if a specific instruction has taken place. However, Behrens teaches monitoring means to monitor user activity to determine if a specific instruction has been entered (Page 2 Paragraph 6) and means to automatically activate a predetermined response under control of the monitoring means if the specific instruction was entered (Page 2 Paragraph 6). Therefore it would have been obvious to combine the modified system of Tong with the teaching of Behrens. Motivation to do so would have been so that the user can interact with the device.

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25. Claims 37,38,39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu ("Liu", US 6,800,013 B2) in view of Kikinis ("Kikinis", 5,746,602).

As per claim 37, which is dependent on claim 36, Liu fails to distinctly point out motions based on factors or specific events. However, Kikinis teaches a method of selecting the motion used by the I/O device from a plurality of motions based on factors (Column 10 lines 27-32); whereby the computer can alter the motions used for a particular specific event or expected input based on factors (Column 10 lines 27-32). Therefore it would have been obvious to an artisan at the time of the invention to combine Liu's method with the teaching of Kikinis. Motivation to do so would have been to allow for flexible responses causing the device to be more life like.

As per claim 38, which is dependent on claim 37, the modified Liu discloses a method including the steps of: providing audio output from the I/O device, under control of the computer, and coordinating motion data with audio data in a single communication (Liu, Column 2 lines 27-29); whereby the I/O device more closely resembles the known character represented by the I/O device (Liu, Column 4 lines 14-15).

As per claim 39, which is dependent on claim 38, the modified Liu discloses a method including the steps of: using a microphone to input audio data from the individual to the computer (Column 3 lines 8-9); using voice recognition software in the computer to analyze the audio data input by the individual and respond to instructions or data contained in the audio data (Column 3 lines 16-21); whereby the individual can

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issue commands, or enter data, to the computer via the microphone (Column 3 lines 8-9).

26. Claims 45 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu ("Liu", US 6,800,013 B2) in view of Galyean III et al ("Galyean", US 6,290,565,B1).

As per claim 45, which is dependent on claim 39, Liu fails to distinctly point out playing a game where the character is the device. However Galyean teaches a method including the steps of playing a game on a computer (Column 3 lines 26-27), and using the I/O device to represent a character from the game (Column 5 lines 62-67), whereby the I/O device can communicate directly with the individual for the character in the game (Column 5 lines 62-67). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Liu with the teaching of Galyean. Motivation to do so would have been to allow the user to appreciate the game more by allowing game interaction.

As per claim 48, which is dependent on claim 35, Liu fails to distinctly point out the I/O device representing a character from a game. However Galyean teaches a method including playing a game on a computer (Column 3 lines 26-27); and using the I/O device to represent a character from the game (Column 5 lines 62-67); whereby the I/O device can communicate directly with the individual for the character in the game

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(Column 5 lines 62-67). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Liu with the teaching of Galyean. Motivation to do so would have been to allow the user to appreciate the game more by allowing game interaction.

27. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu ("Liu", US 6,800,013 B2) in view of Kikinis ("Kikinis", 5,746,602) in further view of Maa ("Maa", US# 6,572,431).

As per claim 40, which is dependent on claim 39, Liu and Kikinis fail to distinctly point out carrying the device from one location to another and remain in communication. However, Maa teaches a method including the additional step of: remotely locating the movable I/O device in a remote location from the computer, to allow remote communication between a computer and an individual (Column 3 lines 56-61); and using a wireless connection between the I/O device and the computer such that the user can move the I/O device from one location to another and remain in communication with the computer (Column 3 lines 56-61); whereby the individual can carry the movable I/O device from one location to another and remain in communication with the computer (Column 3 lines 56-61). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified system of Liu with the teaching of Maa. Motivation to do so would be so that the device was not limited to the immediate computing area.

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28. Claims 41-44, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu ("Liu", US 6,800,013 B2) in view of Kikinis ("Kikinis", 5,746,602) in further view of Maa ("Maa", US# 6,572,431) in further view of Tong ("Tong", US 5,636,994).

As per claim 41, which is dependent on claim 40, Liu, Kikinis, and Maa, fail to distinctly point out multiple devices in remote locations. However Tong teaches a method, including the step of: using a plurality of movable I/O devices, each associated with an individual, located in remote locations from the computer and portable such that each individual can carry the individual's respective I/O device from one location to another to allow remote communication between multiple individuals via the computer (Column 3 lines 35-50). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified Liu with the teaching of Tong. Motivation to do so would have been to allow for more than one portable device encouraging the user to purchase more than one device for different purposes.

As per claim 42, which is dependent on claim 41, the modified Liu discloses a method including the additional steps of storing, in an audio data library, a plurality of selectable unique audio data, including voice data (Maa, Column 14 lines 62-67 and Column 15 lines 1-9); and selecting and outputting portions of the unique audio data (Maa, Column 15 lines 3-5); whereby the unique audio data is output by the I/O device (Maa, Column 14 lines 62-65).

As per claim 43, which is dependent on claim 42, the modified Liu discloses a method including the additional step of: storing voice data from the individual in the audio library, and selecting and outputting portions of the voice data to the I/O device



(Kikinis, Column 11 lines 39-43); whereby the individual's voice is output from the I/O device (Kikinis, Column 11 lines 39-43).

As per claim 44, which is dependent on claim 39, the modified Liu discloses a method including step of: using a plurality of movable I/O devices, located in remote locations from the computer, to allow remote communication between a computer and a plurality of individuals (Tong, Column 3 lines 35-50).

As per claim 46, which is dependent 46, the modified Liu discloses a method including the steps of: attaching a computer to a network of computers having at least one remote computer (Liu, Column 2 lines 10-12); attaching multiple I/O devices to the computer and having at least one of the I/O devices represent an individual on the remote computer (Liu, Column 2 lines 56-62); and controlling, via the remote computer, the motion and audio output of the I/O device that represents the individual using the remote computer (Liu, Column 3 lines 37-41); whereby multiple remote users can have individual I/O devices on the computer which allows them to produce motion data on the local computer(Tong, Column 3 lines 35-50).

29. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu ("Liu", US 6,800,013 B2) in view of Yeon ("Yeon", US 2001/0027397 A1).

As per claim 47, which is dependent on claim 39, Liu discloses a method of attaching a computer to a network of computers having at least one remote computer (Column 2 lines 10-12); attaching multiple I/O devices to the computer, and having at least one of the I/O devices represent a remote computer (Column 2 lines 56-62). Liu

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fails to distinctly point out outputting data that represents system events. However, Yeon teaches outputting motion data from the remote computer to the I/O device via the network that represents system events on the remote computer ([0022] lines 1-9).

Therefore it would have been obvious to an artisan at the time of the invention to combine Liu's method with the teaching of Yeon. Motivation to do so would have been to make the device more flexible by allowing it to communicate system events.

30. Claims 27,50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maa ("Maa", US# 6,572,431) in view of Kaminsky ("Kaminsky", "SweetPea: Software Tools for Programmable Embodied Agents).

As per claim 27, which is dependent on claim 23, Maa discloses a system comprising voice data collection and storage means to store a variety of voice data types from a variety of sources (Column 14 lines 62-67). Maa fails to distinctly point out means to select the voice data through the interface. However Kaminsky teaches means to select voice data stored in the voice data collection and storage means by entering voice commands into the microphone, and outputting the selected voice data via the speaker (Page 5 Counting; *wherein the prior art teaches using the dolls motion and/or speech to signify a keystroke in the computer to select or traverse*). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Maa with the teaching of Kaminsky. Motivation to do so would have been to ease interactions for end users by providing identifiable output behaviors and input interactions.

As per claim 50, which is dependent on claim 49, Maa fails to distinctly disclose using motion to output notification of specific events. However, Kaminsky teaches using movable components in the portable I/O device, which are controlled by the computer, to convey information output from the computer to an individual via specific controlled movements of the portable I/O device that are visible to the individual (Page 5 Notification); and associating specific events with specific movements such that when the individual observes a particular movement, information regarding a specific event is provided by the computer to the individual (Page 5 indicating values); whereby the individual can be notified of specific events by the computer based on particular movements of the portable I/O device which are controlled by the computer (Page 5 notification). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Maa with the teaching of Kaminsky. Motivation to do so would have been to ease interactions for end users by providing identifiable output behaviors and input interactions.

31. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maa ("Maa", US# 6,572,431) in view of ("Liu", US 6,800,013 B2) in further view of Yeon ("Yeon", US 2001/0027397 A1).

As per claim 17, which is dependent on claim 13, the modified Maa fails to disclose the notification of system events. However, Yeon teaches the multimedia I/O device outputs notification of system events, including e-mail, incoming user messages, system status messages, and scheduled messages ([0022] lines 1-4; *state of the*

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*computer*). Therefore it would have been obvious to an artisan at the time of the invention to combine the modified system of Maa with the teaching of Yeon. Motivation to do so would have been to allow for the flexible communications of the figure to include events.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US006554679B1 teaches an interactive doll, with motion and input, with timed responses.
- US005766077A teaches gaming system where movable characters correspond to the game.
- US006773344B1 teaches a wireless interactive I/O device with motion, voice output and audio input.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F. Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00AM-4:30PM, Monday through Thursday and alternating Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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